

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

EASTERN DIVISION

FILED

JUN 09 2009

JUN 9, 2009

MICHAEL W. BOBBINS  
CLERK, U.S. DISTRICT COURT

LORD ERIC BRYANT CORDER  
Plaintiff,

vs.

Tom Dart, SHERIFF of Cook County  
and Cook County, in his official  
capacity, and (Dentist) Thompson  
individual capacity,  
defendants.

09 C 2220

HONORABLE JUDGE

DAVID COAR

MAGISTRATE JUDGE

Schenkier

MOTION FOR ENTRY OF DEFAULT / MOTION FOR  
JUDGEMENT by DEFAULT / MOTION TO STRIKE  
DEFENDANTS MOTION TO ENLARGE

Now comes Plaintiff, LORD ERIC BRYANT CORDER  
PRO-SE, and moves this HONORABLE COURT to make  
an entry of DEFAULT, ISSUE an ORDER OF DEFAULT  
JUDGEMENT against defendants Tom DART and  
Cook County and to STRIKE defendants motion to  
ENLARGE. In support thereof Plaintiff states:

1. Plaintiff filed the complaint in the case at  
bar \*09 C 2220 on or about April 10, 2009.

2. Defendants Tom Dart and Cook County were duly  
served by the United States Marshal with a copy

: of summons, and a copy of the Plaintiffs' complaint on May 11, 2009.

3. More than 20 days have elapsed since the date on which the Defendants Tom Dart and Cook County were served with summons and a copy of Plaintiffs' complaint, excluding the date thereof. (Defendant (Dentist) Thompson was never served.)

4. The defendants Tom Dart and Cook County have failed to answer or otherwise defend as to Plaintiffs' complaint, or serve a copy of any answer or any defense which it might have had, upon Plaintiff pursuant to Fed. R. Civ. P. 12(1)(a).

5. The defendants Tom Dart and Cook County are not in the military service and are not infants or incompetents.

6. The defendants Tom Dart and Cook County moves this Honorable Court through their attorney, to enlarge the time period in which to answer or otherwise plead until June 30, 2009 and again to another

: ~~to~~ an inconsistent date of July 17, 2009, pursuant to Fed. R. Civ. P. 6(b)(1), which the Plaintiff humbly moves this HONORABLE COURT to strike in its' entirety.

7. pursuant to Fed. R. Civ. P. 6(b)(1) which the defendants rely in its petition for Enlargement, ~~states~~ this HONORABLE COURT may in its discretion for cause shown order the answer/pleading enlarged 'if request therefor is made before the expiration of the period originally prescribed'

8. The defendants has failed to (a) proffer acceptable or excusable facts to substantiate an assertion of cause shown and (b) the defendants request to this HONORABLE COURT have been made after the expiration of the period originally prescribed under Fed. R. Civ. P. 12(1)(a.), thus an order by this HONORABLE COURT, granting an Enlargement to the defendants would be an abuse of this HONORABLE COURTS' discretion (based upon the proffered facts) pursuant to Fed. R. Civ. P. 6(b)(1).

9. The defendants Tom Dart and Cook County allege and proffer as cause shown in support of their motion for Enlargement, that undersigned counsel has ordered all records that may be related to Plaintiff's federal claims and that said documents have not been received by counsel. (See n. 3 defendants brief motion/ENLARGE)

10. The defendants Tom Dart and Cook County proffer of cause shown for enlargement, again is untimely and without merit.

11. Cook County Jail is under the control and government of ~~defendant~~ Cook County and Tom Dart as sheriff of Cook County pursuant to 730-ILCS 125/ (2) and (4) is warden of Cook County Jail, and is responsible for the detainees under his care as well as all personnel hired and trained that is necessary to operate and maintain the Cook County Jail. The records that defendants Tom Dart and Cook County speaks of in relation to Plaintiff's federal claims are all housed and or expeditiously accessible from the Cook County Jail, records namely dental request records of plaintiff, medical records of

: plaintiff, grievance filed records of plaintiff, In regards to plaintiff's medical/dental records, CERMAK Health Services of Cook County <sup>defendant</sup> is on site at CERMAK Hospital annexed to Cook County Jail. Here in Division 9 where the plaintiff is currently housed there is an infirmary of CERMAK Health Services of defendant Cook County and again within the Jail defendant Tom Dart is the Warden of. This infirmary in Division 9 keeps on location a copy of the plaintiff's medical file (records) and is accessible in an instant upon summoned by an attending physician when Plaintiff is sent to the infirmary.

12. Thus, in essence the defendants Tom Dart and Cook County contention as proffered translates to 'I have failed to timely exercise due diligence in providing to my defense counsel records that are material to the complaint filed against me, records which I the defendants possess through personnel that I am responsible for (730 ILCS 125(2) and (4)) and are accessible to me without moments notice

: Via a mere phone call and fax machine?

13. The defendants Tom Dart and Cook County failure to provide records to 'themselves' ~~to~~ their attorney, of which they control is not the result of "excusable neglect" to warrant an Enlargement.

14. Under the defendants Tom Dart and Cook County premise and rationale if accepted by this Honorable Court Fed. R. Civ. P. 12 (1)(a) would become nullified in regards to these defendants and in essence could just as easily circumvent Fed. R. Civ. P. 12 (1)(a) with impunity under their premise and rationale.

WHEREFORE, the Plaintiff respectfully moves this HONORABLE COURT to (a) to order the clerk to enter default in the Civil Docket, (b) enter a Default Judgement against defendants Tom Dart and Cook County and grant prayer for relief as outlined in Plaintiff's complaint # 09 C 2220 and (c) STRIKE defendants MOTION TO ENLARGE.

Respectfully submitted,

LORD ERIC BRYANT CORDER,

PRO-SE

By: Lord Eric Bryant Corder #20080054036

LORD ERIC BRYANT CORDER #20080054036

COOK COUNTY JAIL

P. O. Box 0898002

Chicago, Illinois 60608

Dated: JUNE 2, 2009

I declare under penalty of perjury that the foregoing is true and correct. Executed at Chicago, Illinois on June 2, 2009

Lord Eric Bryant Corder #20080054036

## CERTIFICATE OF SERVICE

I, LORD ERIC BRYANT CORDER, PRO-SE certify that under the penalty of perjury that I served a copy and notice of filing of the attached motion for Entry of DEFAULT / MOTION FOR JUDGEMENT BY DEFAULT / MOTION TO STRIKE DEFENDANTS MOTION TO ENLARGE upon Assistant State's Attorney Michael A. KUCZWARA JR. counsel for defendants Tom Dart and Cook County, in civil action \*09 C 2220 by placing in United States Mail at Cook County Jail, Illinois, on JUNE 2, 2009.

PRO-SE,  
Lord Eric Bryant Corder  
LORD ERIC BRYANT CORDER  
\* 20080054036